

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION**

**In re:**

**JAY ALLEN MATTHEWS,  
  
DEBTOR.**

**CHAPTER 13  
  
CASE NO. 16-30257**

**OBJECTION TO CONFIRMATION OF AMENDED CHAPTER 13 PLAN**

**NOTICE**

**YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)**

**IF YOU DO NOT WISH THE COURT TO SUSTAIN THE OBJECTION SOUGHT HEREIN, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE OBJECTION, THEN YOU MUST ATTEND THE HEARING ON THIS MATTER, OTHERWISE, THE COURT MAY DEEM OPPOSITION WAIVED, TREAT THE OBJECTION AS CONCEDED, AND ISSUE AN ORDER SUSTAINING THE OBJECTION WITHOUT FURTHER NOTICE OR HEARING.**

**COMES NOW**, Federal National Mortgage Association ("Fannie Mae") ("Secured Creditor"), by Counsel, and objects to the confirmation of the Amended Chapter 13 Plan (the "Plan") and in support thereof, represents unto the Court:

1. Secured Creditor has a claim against the property of the Debtor located at 127 Hamon Drive, Scott Depot, WV 25560 by virtue of the Note and accompanying Deed of Trust.
2. The pre-petition arrearages due to Secured Creditor are \$5,237.87.
3. The Plan proposes to pay a fixed amount over 32 months but does not account for potential changes in escrow, and varying tax and insurance disbursements. Therefore Secured Creditor is not adequately protected by the Plan, as filed.
4. Secured Creditor objects due to the aforesaid deficiencies in the Plan.
5. Any Chapter 13 Plan proposed by the Debtor must provide for and eliminate the objections specified above in order to be feasible and to provide adequate protection to this Secured Creditor. It is respectfully requested that this Court deny confirmation of the Plan.

**WHEREFORE**, the undersigned requests as follows:

- (1) That confirmation of the proposed Chapter 13 Plan be denied;
- (2) Debtor be required to modify the Plan to honor the terms and conditions of the Deed

of Trust; and

(3) For such other relief as this Court deems proper.

Federal National Mortgage Association ("Fannie Mae")

By: **/s/JOHNIE R. MUNCY**

**W. Scott Campbell**, Esquire, Bar No. 4232  
601 Morris Street, Suite 400  
Charleston, WV 25301

**Johnie R. Muncy**, Esquire, Bar No. 12790  
1804 Staples Mill Road, Suite 200  
Richmond, VA 23230

**D. Carol Sasser**, Esquire, Bar No. 12709  
5040 Corporate Woods Drive, Suite 120  
Virginia Beach, VA 23462

Samuel I. White, P.C.  
Tel: (804) 290-4290  
Fax: (804) 290-4298  
[jmuncy@siwpc.com](mailto:jmuncy@siwpc.com)

#### CERTIFICATE OF SERVICE

I certify that on January 6, 2017, the foregoing Objection was served via CM/ECF on Helen M. Morris, Trustee, and Mitchell Lee Klein, Counsel for Debtor, at the email addresses registered with the Court, and that a true copy was mailed via first class mail, postage prepaid, to Jay Allen Matthews, Debtor, 379 Hamon Drive, Scott Depot, WV 25560.

**/s/JOHNIE R. MUNCY**

Johnie R. Muncy, Esquire  
Samuel I. White, P. C.